

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MERLIN DANCEY HILL

PLAINTIFF

VS.

CIVIL ACTION NO. 3:13CV1017-FKB

UNKNOWN STEELE, et al.

DEFENDANTS

ORDER

Merlin Dancey Hill, a state inmate, brought this action pursuant to 42 U.S.C. § 1983 alleging that prison officials and others mishandled a piece of his outgoing mail. A Spears¹ hearing has been held, and the parties have consented to jurisdiction by the undersigned. Having considered the complaint and Hill's testimony at the hearing, the Court concludes that this action should be dismissed as frivolous.

Hill's claim arises out of his attempt to mail a large envelope to his family. Apparently the postal service refused to accept the envelope, and it was returned to him with the envelope damaged and its thirteen stamps cancelled.

It is well-settled that random and unauthorized intentional deprivations of property by officials do not violate the constitution if adequate post-deprivation remedies exist. *Hudson v. Palmer*, 468 U.S. 517 (1984). Mississippi common law provides adequate remedies for the taking of or damage to personal property. *Nickens v. Melton*, 38 F.3d 183, 185 (5th Cir. 1994). Thus, Plaintiff's allegations fail to state a claim for a constitutional violation and are subject to dismissal.

¹See *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).

For this reason, Plaintiff's claims will be dismissed with prejudice as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). A separate order of dismissal will be entered.

So ordered and adjudged, this the 11th day of March, 2014.

/s/ F. Keith Ball

UNITED STATES MAGISTRATE JUDGE